

REGULAR COUNCIL MEETING  
Council Chambers, City Hall  
August 2, 2021

Members Present: Douglas Baker, Mayor  
Donna Fletcher, Deputy Mayor  
James Johnson  
Christian Marshall  
Fred Mays  
Ryan Rudegeair  
Samuel Lyons

Members Excused: None

In Attendance: Tracy Jamieson, City Manager  
Brian Spaid, Esq., City Solicitor  
James Wetzel, Fire Chief  
Charles Gibbons, Code Enforcement Officer  
T.J. Parks, Recording Secretary  
Dillon Provenza, Venango Newspapers, Inc.  
Rick and Brandi Haines, 408 4<sup>th</sup> Street  
John Yager, 424 7<sup>th</sup> Street  
Danielle Benson, Homegrown Kitchen, 1247 Liberty Street  
Tammy Bible, The Olive Vault, 1247 Liberty Street  
David Ballard, Trails to Ales, 1270 Liberty Street  
Joy Strain, MPB, 1446 Liberty Street  
Timothy Daniels, 1129 Chestnut Street

Mayor Baker called the meeting to order at 7:00 P.M.

**ADOPTION OF AGENDA - Resolution No. 87**

Mrs. Fletcher moved to adopt the agenda as presented. Mr. Lyons seconded the motion, which passed unanimously.

**APPROVAL OF MINUTES – Resolution No. 88**

Mr. Rudegeair moved to approve the minutes of the FY-2021 CDBG Preliminary Public Hearing of July 12, 2021, and the regular meeting minutes of July 12, 2021. Mrs. Fletcher seconded the motion, which passed unanimously.

**PAY THE BILLS - Resolution No. 89**

Mr. Johnson moved to pay the bills as presented. Mr. Lyons seconded the motion, which passed unanimously.

### **PRESENTATION OF THE 2019 & 2020 AUDITS –**

Ms. Strain, of McGill, Power, Bell & Associates, presented the City's financial summary for years ended December 31, 2020, 2019, and includes 2018 since no presentation was given in 2020. She indicated that the audit resulted in a clean opinion, indicating the City's financial statements were presented fairly and there were no significant deficiencies. She focused primarily on the General Fund. The General Fund revenues for 2020 were \$5,374,159, down from 2019, which were reported to be \$5,718,242, a difference of \$344,083. Revenues for 2020 were also down from 2018, which were reported to be \$5,496,384. Ms. Strain then went on to discuss expenditures, which were reported to be \$4,699,829 for 2020, down from \$5,344,845 in 2019, and \$5,151,717 in 2018. For further information, refer to the attached financial summaries.

### **CITIZENS' INQUIRIES –**

- Brandi Haines inquired about the status of parking on 4<sup>th</sup> Street. At the July 12, 2021 Council meeting, she had questioned the possibility of allowing parking on both sides of the street, which depended on whether or not there is enough space for a firetruck to get through. She stated that she measured the width of 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Streets and doesn't think that there would be an issue, considering there is double-sided parking on streets narrower than 4<sup>th</sup> Street. Mrs. Jamieson indicated that she had considered adding parking on Buffalo, across from the Joy building. Mr. Wetzel agreed that that would be a possibility, and Mrs. Haines felt that would be an acceptable compromise. Mr. Spaid indicated that he could compose an ordinance and would need to get measurements and coordinates from the Street Department.
- John Yager, is concerned about the unnamed stream on 700 block of Buffalo. The stream has flooded houses in the neighborhood and has done damage to the land behind his garage. Despite the City installing a larger catch basin and storm pipe, he does not think that will fix the problem. He believes the main issue is caused by the development of housing on Evergreen and would like council to try to halt any further development.

### **CERTIFICATES OF APPROPRIATENESS – Resolution No. 90**

It was noted HARB recommended approval of the following requests:

- Install window, outdoor lighting, awning, shutters, signage at 1247 Liberty Street
- Alterations to the right side of storefront at 1270 Liberty Street

Mr. Rudegeair moved, and Mr. Marshall seconded a motion to issue Certificates of Appropriateness for both requests. Motion passed unanimously.

### **REQUEST TO MAKE IMPROVEMENTS TO ROTARY WAY ALLEY – Resolution No. 91**

Mrs. Jamieson presented a request from Tammy Bible, owner of The Olive Vault, located at 1247 Liberty Street. Ms. Bible would like to place four (4) 32" round, teak tables with two (2) chairs each in the alleyway along the side of her building. She would also like to string decorative lights from her building the Liberty Building in a zig-zag fashion, providing she gets approval from the other building owner. A diagram was provided to show the desired layout of the tables, chairs and lights. Mrs. Jamieson also noted that the pedestrian alley was recently rejuvenated using State grant funds in order to make the bus stop on Buffalo Street more accessible to pedestrians. Part of the original plan was to have plantings, tables, and decorative lights, but the grant would not reimburse for those costs, so that part of the plan was not carried out.

Mrs. Jamieson further explained that there is a \$25/day fee for non-exclusive use of the alley, adding up to \$750 for a 30-day month, which is most likely an unrealistic expense for the business. Should Council approve Ms. Bible's request, Mrs. Jamieson recommends suspending all fees for non-exclusive use of downtown alleys until a better plan is developed for these types of requests so they can all be treated equally and fairly. In addition, Mrs. Jamieson further recommended:

- Provide a Certificate of Insurance listing the City as Additional Insured
- Establish time limits
- Garbage clean-up language
- An understanding that the string lights are the sole responsibility of Ms. Bible, including the cost of electric
- Approval of locations for all amenities to make sure that ADA compliance is being observed, and that nothing will impede upon public safety or the City's maintenance of the alley

Ms. Bible was accompanied by Ms. Benson, owner of Homegrown Kitchen, a new business promoting natural, organic foods. The two are operating their businesses out of the same store to help Ms. Benson get established and work together to promote each other's businesses. In addition to the requests already presented, they asked if it would be possible to add a table or two in front of the store along the brick portion of the sidewalk. Mrs. Jamieson asked if there would be room to place them nearer the front entrance, to which Ms. Bible responded that is possible if she got smaller tables, but it would still be a tight fit and would prefer to place them on the brick section of the sidewalk. Ms. Bible indicated that it was their intention to bring the table and chairs in nightly and that they would be looking to the end of October as a time frame for taking them in permanently. Mr. Spaid vigorously emphasized the importance of ADA compliance, stating that these types of lawsuits are hideously expensive to settle in court and that most insurances cover little, if anything, if an incident occurs.

**Resolution No. 92** – Mr. Rudegear motioned to approve waiving all fees for non-exclusive use of downtown alleys and placing tables in the alleyway and for accepting the recommendations outlined by Mrs. Jamieson, with the time frame set to expire on October 31<sup>st</sup>. The motion was seconded by Mr. Johnson, which passed unanimously.

**Resolution No. 93** – Mr. Lyons motioned and Mr. Marshall seconded to approve allowing two small tables on the brick sections of the sidewalk in front of the store, with the above stated conditions. Motion passed 6-1 with Mr. Rudegear in opposition.

**FIRST READING – Bill No. 3 of 2021 – Resolution No. 94**

Mr. Spaid read Bill No. 3, "Stop Signs at 11<sup>th</sup> and Elk Streets for Traffic in Both Directions on Elk Street" in its entirety, into the record. Mr. Lyons noted that having a stop sign in both directions could back up traffic. He was reminded that this is only experimental and can be rescinded if there are no improvements or the condition worsens.

Mr. Rudegear moved and Mr. Johnson seconded the motion to pass on First Reading of Bill No. 3. Motion passed unanimously.

**SUGGESTED AMENDMENTS TO PROPERTY MAINTENANCE CODE**

Mrs. Jamieson presented Council with proposed changes to the Property Maintenance Code, as drafted by Mr. Gibbons. The desired changes will further define "Exterior Property" and provide specific examples of household items manufactured for indoor use, that are not suitable to be used outdoors due to sanitary and safety issues.

After some discussion, Council unanimously decided that the suggested alterations be tabled until the language can provide more specific examples of what is determined to be acceptable outdoor furniture.

**BANDSTAND SOUND SYSTEM – ACCEPTANCE OF DONATION – Resolution No. 95**

Mrs. Jamieson presented an e-mail from Mrs. Ronnie Beith, regarding a donation for Bandstand Park. In memory of his parents, Doc and Del Eshelman, Tom Eshelman would like to donate a new sound system and install a 13" x 30" plaque in his parents' honor. According to sound system aficionado Jeff Corbett, it is overdue for replacement. Mr. Corbett stated that the new speakers will have to be placed a little bit differently for better output and can be secured in such a way that they can be taken down during the winter. There will also need to be some wood reinforcement and new wiring. They would like to have the new system installed for the 165<sup>th</sup> anniversary of the Silver Cornet Band, of which the late Mr. Eshelman was a member.

Mr. Rudegear motioned to accept the donation of the new sound system and approve the plaque, seconded by Mr. Lyons. Motion passed unanimously.

## **PARK AND PARADE ASSEMBLY REQUESTS – Resolution No. 96**

Mr. Johnson moved and Mr. Rudegear seconded the motion, which passed unanimously, to approve the following request:

- August 21 – Riverfront Park • Rock In River Fest/2021 PA Stone Skipping Competition • FFAC

## **REPORTS**

### **Manager –**

- Mrs. Jamieson gave the floor to Mr. Wetzel to discuss some possible solutions for the crosswalk behind the courthouse, leading to the courthouse annex. Mr. Wetzel stated that from the corner of 12<sup>th</sup> and Elk Street, on the courthouse side, the first 42' is marked as "No Parking", from 42' to 64' it is indicated as "Municipal Vehicle" only, and other various signs. However, the dimensions and signage do not match what the ordinance states. The two possible solutions to that issue are to either change the ordinance to match the signage, or change the signage to match the ordinance. Mayor Baker recommends deciding what they want to do before any ordinances or signs get changed. A possible, and probably most beneficial solution would be to have the crosswalk moved before the loading zone. There was also discussion to create one hour parking spaces behind the courthouse. Further discussion with the County Commissioners is needed, as well.
- **Resolution No. 97** – Mrs. Jamieson received a quote from JHB Excavation in the amount of \$8,750 to replace 215 feet of brickwork leading from the Bandstand to South Park Street. As discussed in the July 12, 2021 Council meeting, this would be done in conjunction with the replacement of the county-owned section of sidewalk. Mr. Mays motioned and Mr. Johnson seconded to accept the proposal from JHB Excavation, provided, however, that the work performed for the county is found to be satisfactory. Motion passed unanimously.
- Indicated that she has items to discuss in Executive Session involving potential litigation and personnel matters.

### **Solicitor –**

- Mr. Spaid has items to discuss in executive session regarding personnel matters.
- Mr. Spaid wanted to touch on the Pennsylvania fireworks law that were brought up last month. He stated that the law gives very limited restrictions as to what authorities can do, and read the law verbatim, which defined "display fireworks" as large fireworks used

solely profession pyrotechnicians for the purpose of creating a visible or audible effect. Mr. Spaid does not feel that the fireworks that can be purchased at places such as Phantom Fireworks are ones used by professionals. The law also lists certain restrictions as to how commercial fireworks (those used by the general public) can be used: must have permission of the property owner, cannot be shot out of or into a motor vehicle or towards a person, person operating them must not be under the influence of drugs or alcohol. Mr. Spaid strongly reiterated that a complaint needs to be filed with police and the witnesses need to show up to court to testify.

**Mayor Appointments** – None

**COUNCIL REPORTS**

**Mayor Baker** – None

**Mrs. Fletcher** – None

**Mr. Johnson** – Is thankful for the wonderful electronic speed sign that was set up on his street after requests from neighbors.

**Mr. Marshall** –

- Was hoping Chief Anundson was present to discuss the Senate's approval to allow municipalities to use radar. Chief Anundson was not present, so this item was not discussed further, except to say that it is not a law as yet.
- Appreciative of the quick response from the Street Department for the tree removal as a result of a recent storm.

**Mr. Lyons** – Property on Eagle Street has extreme vegetation overgrowth. He asked Mr. Gibbons what can be done. Mr. Gibbons said that will send an enforcement notice to the property owner to notify them that the grass needs cut.

**Mr. Mays** – None

**Mr. Rudegeair** – None


**EXECUTIVE SESSION** – **Resolution No. 98** – Mr. Rudegeair moved and Mr. Lyons seconded to enter into Executive Session at 8:32 P.M. for the purposes of potential litigation and personnel matters. Motion passed unanimously. The Executive Session ended at 9:07 PM.

**ANY OTHER BUSINESS** – Resolution No. 99 – Mr. Mays moved and Mr. Rudegeair seconded the motion to approve the purchase of .02 A. of vacant land, described as RR Tenth Street, from the Venango County Repository. Motion passed unanimously.

**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 9:08 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T.J. Parks', with a long horizontal flourish extending to the right.

T.J. Parks,  
Recording Secretary